



CITY OF SAN JOSÉ, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Sharon L. Hightower, Vice Chair
Dave Busse
Richard J. Giovannetti
Leon Louie

Minutes of the Commission April 5, 2007

The Civil Service Commission of the City of San José convened in regular session April 5, 2007, in the City Council Chambers of San José City Hall at 4:00 p.m.

ROLL CALL

Present: Commissioners Busse, Giovannetti, Hightower, Louie and Brill
Absent: None

ORDERS OF THE DAY

By motion unanimously adopted, the Consent Calendar was approved with Items #6 and #7 to be heard after Item #3.

CONSENT CALENDAR

By motion unanimously adopted, the Consent Calendar was approved.

1. Information Only
 - a. Hiring Summary – Memorandum from Human Resources Department dated March 28, 2007, listing complaints about hiring issues and a summary of hiring activity for the period July 2, 2006 through March 10, 2007, was filed.
2. Minutes of March 1, 2007, and March 12, 2007, were approved.

END OF CONSENT CALENDAR

3. Hearings to be scheduled:

- a. Scheduling the appeal of termination of Michael Brady, Electrician (3153) was scheduled for May 30, 2007, and May 31, 2007, at 6:30 p.m. Written time waiver filed. (Smyth-Mendoza/Brady)

Deputy City Attorney Shannon Smyth-Mendoza, appearing on behalf of the City, and the appellant were present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already changed documents.

- b. Rescheduling the appeal of salary reduction of Dean Zeisbrich, Associate Construction Inspector (3771) was scheduled for April 30, 2007, at 6:30 p.m. Written time waiver filed. (Fabela/Zeisbrich)

Senior Deputy City Attorney Rob Fabela, appearing on behalf of the City, was present. Hearing Officer Hightower advised both parties to participate in a prehearing telephone conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

4. Appeal of limitation placed on Outside Work Permit of Josefina Richard, Senior Custodian (3213) (Hopper/O'Connell).

Document Filed: Hearing Brief and Exhibit Packet of Appellant Josefina Richard.

Douglas Allen, appearing on behalf of appellant Josefina Richard, provided reasons as to why the work permit should be approved. Deputy City Attorney Brian Hopper responded and gave the City's rationale for the denial of the work permit. Airport Deputy Director Patrick Tonna provided supporting testimony. Mr. Allen responded to the City's points and provided additional information. Commissioners questioned all of the parties involved. Commissioner Brill noted that all testimony and documents presented were considered by the Commission. Upon motion by Commissioner Giovannetti, seconded by Commissioner Hightower, and unanimously accepted, the appeal of limitation placed on Outside Work Permit of Josefina Richard was granted. (5-0-0).

5. Appeal of Performance Appraisal of Michael Brady, Electrician (3153). (Baker/Brady)

Documents Filed: 1) Correspondence from Michael Brady dated February 21, 2007 requesting the appeal of performance appraisal; and 2) Correspondence from Michael Brady dated March 28, 2007.

Sal Ventura, Business Representative for International Brotherhood of Electrical Workers, Local 332, made comments on behalf of Michael Brady and stated his objections to the appropriate use of the key elements on the performance appraisal of Michael Brady. Michael Brady stated that his performance appraisal was rated by people who did not supervise him or have direct knowledge of his work performance. Discussion was held by the Commission,

questions were asked of Airport Superintendent Don Klein. Upon motion by Commissioner Busse, and seconded by Commissioner Giovannetti, and unanimously accepted, the Commission denied Michael Brady's request to alter the ratings of his performance appraisal. Vote: 5-0-0.

6. Request from Jon Max Reger and Michael Johnson for investigation of the Environmental Services Department in regards to the position of Senior Environmental Inspector.

Documents Filed: 1) Correspondence from Jon Max Reger and Michael Johnson dated October 5, 2006 requesting an investigation into the unfair hiring practices conducted in Environmental Services Department concerning the Senior Environmental Inspector position; 2) Hiring Complaint Form submitted by Jon Reger dated October 2, 2006; 3) Correspondence from employees in Environmental Enforcement to Alex Gurza dated July 7, 2006; 4) Correspondence from Jon Max Reger, Jose Anaya, Pete Cruz, Saroj Dhillon, Mhar Dirige, Tellis Hynes, Michael Johnson, Jack Judkins, Jim Komatsu, David Lam, Stephen Lowes, Phil McGinnis, Donella Price, Ralph Rodriguez, Pascal Roubineau, Jose Silva, and Sudhir Singh dated October 3, 2006 regarding the Senior Environmental Inspector Interview Process; 5) Hiring Complaint Form submitted by Michael Johnson dated February 5, 2007; 6) Hiring Complaint Form submitted by Michael Johnson dated November 7, 2006; 7) City of San Jose Discrimination and Harassment Policy; and 8) E-mail correspondence from Jon Reger dated November 16, 2006 regarding the response to complaint regarding the Senior Environmental Inspector

Michael Johnson acknowledged Human Resources Deputy Director Arlene Gibbs and Human Resources Manager Sarah Nunes for handling the inquiries made regarding the Senior Environmental Inspector recruitment. Jon Max Reger questioned the hiring process of the Environmental Inspector series, the reasons why Human Resources decided to have "do-over" on the application process for Senior Environmental Inspector, and why he was not selected to be interviewed. Ms. Gibbs stated that some of the questions Mr. Reger's questions were not previously submitted and that she was not able to answer them. Ms. Gibbs stated that both Mr. Johnson and Mr. Reger have received numerous correspondences regarding this matter since it has been on the Civil Service Commission agenda for the last six months and that she has reported out the various steps that had been taken.

Questions were asked by the Commissioners regarding the current status of the grievance filed and regarding the questions asked by Mr. Reger. Upon motion by Commissioner Giovannetti, seconded by Commissioner Hightower, and unanimously accepted, the Commission denied Michael Johnson and Jon Max Reger's request for investigation of the Environmental Services Department in regards to the position of Senior Environmental Inspector.

7. Quarterly verbal report of the Employment Oversight Committee (EOC).

Human Resources Deputy Director Arlene Gibbs stated that Human Resources has been working with the Employment Oversight Committee in reviewing the new hiring rules specifically regarding what is working and what is not. The key item that has been discussed is how transfers work and that there has been a lot of dialogue regarding hiring process and procedures of the City.

ORAL PETITIONS

There were none.

ADJOURN at 6:03 p.m. to April 30, 2007 at 6:30 p.m. to hear the appeal of salary reduction of Dean Zeisbrich, Associate Construction Inspector (3771). (Fabela/Zeisbrich)

BILL BRILL, CHAIR

ATTEST:
CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY

Michelle Estabillo, Deputy Secretary